

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHAEL WAYNE RAINS,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-08-839-F
)	
GREG HARMON, WARDEN and THE)	
ATTORNEY GENERAL OF THE)	
STATE OF OKLAHOMA,)	
)	
Respondents.)	

ORDER

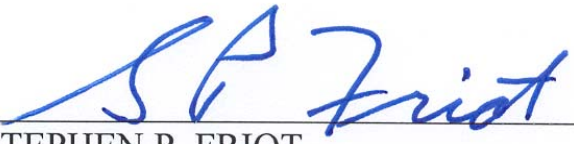
On September 18, 2008, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation, wherein she recommended that petitioner's petition seeking habeas corpus relief pursuant to 28 U.S.C. § 2254 be dismissed for lack of jurisdiction.

Presently before the court is petitioner's timely objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a *de novo* review of the matter. Having done so, the court agrees with the analysis and recommendation of Magistrate Judge Couch. The court concludes that petitioner's objection is without merit. Thus, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation issued by United States Magistrate Judge Valerie K. Couch on September 18, 2008 (doc. no. 7) is **ACCEPTED, ADOPTED, and AFFIRMED.**

IT IS ALSO ORDERED that petitioner, Michael Wayne Rains' petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, filed August 14, 2008 (doc. no. 1), is dismissed for lack of jurisdiction.

DATED October 2, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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